III. REMARKS

1.   Claims 20 and 36 are amended. Claims 37 and 38 are new.

2.   Claims 20-36 are patentable under 35 U.S.C. 102(e) over Petite, U.S. Patent No. 6,891,838. Claim 20 recites that the system unit is configured to "monitor at least one facility and to communicate with other system units, wherein the system unit comprises a central database that is configured to be accessed by the other system units". Claim 20 further recites that the protocol converter "retrieves predetermined data from the facilities at given time intervals and stores the data received from the facilities in a memory" and "induces the data transmission device to disconnect the connection to the system unit". Petite does not disclose or suggest at least these features.

Petite does not disclose or suggest that the system unit is configured to monitor at least one facility and to communicate with other system units, where the system unit comprises a central database that is configured to be accessed by the other system units as recited by Applicant. In Petite, the application server (160) stores client specific data from each of the transmitters for later retrieval by the workstation (150) (Col. 8, L. 53-57). There is simply no disclosure or suggestion in Petite that the application server (160) communicates with other application servers (160). There is also no disclosure of the application server (160) having a "central database" that is accessed by other application servers (160). Petite merely discloses that the workstations (150) can be used to access information stored in the application server (160) (See Col. 8,

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L. 46-60). Thus, the application server (160) of Petite not the same as the "system unit" claimed by Applicant.

Further, the workstations (150) of Petite are not the same as the "system unit" claimed by Applicant. The workstations (150) merely provide remote operator access to data collected by the DDCMCS (100) (Col. 8, L. 47-50). The workstations (150) do not collect information from the transmitters, the workstations (150) access the information through the application server (160). There is simply no disclosure in Petite of a system unit configured to "monitor at least one facility and to communicate with other system units, where the system unit comprises a central database that is configured to be accessed by the other system units". Therefore, claim 20 is patentable at least for this reason.

Claim 20 also recites that the protocol converter "retrieves predetermined data from facilities at given time intervals". Petite does not disclose or suggest this feature. The Examiner does not cite to a passage or section of Petite regarding the protocol converter retrieving data from the facilities at given time intervals. This is rightly so because there is simply no disclosure in Petite of this feature. In the Examiner's argument, the Examiner refers to column 15, lines 50-67 and column 14, lines 48-67 of Petite as disclosing the protocol converter. This section of Petite does not disclose a protocol converter that "retrieves predetermined data from facilities at given time intervals" as claimed by Applicant. The Examiner is referring to three separate components of Petite (i.e. the transceiver-repeater (111), RF transceiver (113) or the local gateway (110)) in the arguments pertaining to the protocol converter claimed by applicant. However, nowhere is there any

disclosure or suggestion that the RF transceiver-repeater (111), RF transceiver (113) or the local gateway (110) retrieve data from the facilities at given time intervals. The RF transceiver-repeater (111) and RF transceiver (113) merely receive and forward command information (Col. 13, L. 48-51; Col. 15, L. 26-29) while the local gateway (110) merely receives remote data transmissions from the various stand-alone RF transceiver-repeater (111), RF transceiver (113) or RF transmitters (115) (Col. 7, L. 39-42). This is not what is claimed by Applicant. Since at least this feature is not found in Petite, claim 20 cannot be anticipated.

Petite also does not disclose or suggest that the "protocol converter stores the data from the facilities in a memory" as claimed by Applicant in claim 20. The Examiner states that this feature is disclosed in Petite at column 17, lines 16-65. Again, column 17, lines 16-65 pertain to the local gateway (110) of Petite. This passage of Petite recites that "the local gateway (110) may be configured such that the memory (524) includes a look-up table (525) that may assist in identifying the various remote and intermediate RF communication devices used in generating and transmitting the received data transmission" (Col. 17, L. 21-25). This passage also recites that the "memory (524) may include program code for controlling the operation of the CPU (522) to evaluate an incoming data packet to determine what action needs to be taken (Col. 17, L. 32-35) and the that the memory (524) may be configure with program code configured to identify a remote RF transceiver (527) or identify an intermediate RF transceiver (529) (Col. 17, L. 38-43)." The look up table (525) is merely for identifying respective communication devices not storing data received from the transceivers. What this section of Petite, or any other section, does not say is

that the protocol converter <u>stores the data received from the facilities in a memory</u>. Thus, since this feature is also not expressly taught by Petite, the claim cannot be anticipated.

In addition, Petite fails to disclose or suggest that the <u>protocol converter</u> "<u>induces the data transmission device to disconnect the connection</u>" to the system unit as recited in Applicant's claim 20. The Examiner argues that this feature is disclosed in Petite at column 17, lines 16-65 and column 18, lines 3-48. Again, column 17, lines 16-65 of Petite pertain to the look-up table (525) as described above while column 18, lines 3-48 disclose that the local gateway (110) contains a network card or modem to communicate with a remote computing system. Column 18, lines 3-48 also discloses the data structure of the messages that may be sent and received via the DCCMS (100). Nowhere in these passages is it disclosed or suggested that a protocol converter <u>induces the data transmission device to disconnect the connection</u> to the system unit. Again, since this feature of Applicant's claim is not expressly taught by the reference, the claim cannot be anticipated. Therefore, claim 20 is patentable over Petite for at least these above reasons.

Claim 36, is patentable over Petite for reasons similar to those described above with respect to claim 20. Dependent claims 21-35 are patentable over Petite at least by reason of their respective dependencies.

Furthermore, claim 26 recites that the protocol converter sends a predetermined message, in particular a facsimile, a voice message, an e-mail, or an SMS message, when a trouble report or maintenance report is received from one of the facilities and the connection to the system unit is troubled. Nowhere is this

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disclosed or suggested in Petite. The Examiner argues that this feature is disclosed in Petite at column 23, lines 32-45 however, this passage merely discloses "[i]n a geographic area appropriately networked with permanently located RF transceivers/repeaters (111) consistent with the invention, personal mobile transmitters consistent with the invention can be used to initiate communication with family members, neighbors, and or emergency response personnel" and nothing more. There is simply no disclosure or suggestion in Petite of a protocol converter sending <u>a facsimile, a voice message, an e-mail, or an SMS message</u> when a when a trouble report or maintenance report is received from one of the facilities and the <u>connection to the system unit is troubled</u>. Thus, claim 26 is patentable over Petite for this additional reason. Claim 33 is patentable for reasons similar to those described above with respect to claim 26.

Claim 28 recites that the connection between the protocol converter and the system unit is established via <u>a call-back procedure</u>. This feature is not disclosed or suggested by Petite. The Examiner cites to column 16, lines 15-49 of Petite in making the rejection to claim 28. This cited passage of Petite merely discloses that a user can push a pushbutton on a mobile transceiver to send an encoded message identifying the party assigned to the transceiver. An application server identifies the party and uses a look-up or associated database server (170) for an interpretative match for the pushbutton. (Col. 16, lines, 25-49). There is no disclosure in Petite of the application server calling back the mobile transceiver to establish a connection. There is absolutely no disclosure in Petite of a protocol converter establishing a connection via a call-back

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procedure as called for in claim 28. Thus, claim 28 is patentable over Petite for this additional reason.

Claim 29 recites that the system unit establishes a connection to the protocol converter <u>at given time intervals</u> and retrieves predetermined data which were previously retrieved from the facilities and <u>buffered</u> by the protocol converter. Petite fails to disclose or suggest this feature. The Examiner argues that this feature is disclosed by Petite at column 10, lines 53-67 and at column 11, lines 1-64. However, nowhere in these cited passages is it disclosed that any of the components of the Petite system connect to a protocol converter <u>at given time intervals</u>. Moreover, as described above with respect to claim 20, the local gateway (which is one of the items the Examiner refers to as the protocol converter) does not store any information from the RF transceivers. Thus, the local gateway cannot buffer data which were previously retrieved from the facilities. Therefore, claim 29 is patentable for this additional reason.

Furthermore, claim 34 recites that several system units establish connections to protocol converters and/or receive data from the protocol converters and/or send data to the protocol converters, the system units being connectable to each other via the internet. This feature is not disclosed or suggested by Petite. The Examiner suggests that this feature is disclosed in Petite at column 14, lines 48-67 and at column 15, lines 50-67. Column 14, lines 48-67 merely discloses that an RF transceiver/repeater can be integrated with a sensor/actuator and a home having multiple sensor inputs. Column 15, lines 50-67 discloses that a data controller 420 may assemble a data packet 450c. The data packet 450c may be converted by the transceiver/repeater controller 465 for transmission via <u>antenna</u> 440 to either a stand-alone RF

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transceiver/repeater (111) or to a suitable configured local gateway (110). Nowhere is it disclosed in this passage or anywhere else in Petite that several system units establish connections to protocol converters and/or receive data from the protocol converters and/or send data to the protocol converters, the system units being connectable to each other via the internet. The RF transceiver/repeaters (111) of Petite are not disclosed as being connected to each other. Thus, RF transceiver/repeaters (111) of Petite cannot be connected to each other by the internet. Therefore, claim 34 is patentable over Petite for this additional reason.

Moreover, an aspect of the Application relates to an apparatus for the parameterization and remote monitoring of heating installation and particularly to a sophisticated protocol converter. This protocol converter is an intelligent data terminal that can retrieve data from different facilities at given time intervals in order to store them in a memory device. After having ascertained all given data (e.g. after all predetermined data has been collected by the protocol converter from the facilities), the protocol converter connects itself to a system unit using for instance a telephone line for transmitting the data jointly and disconnects the connection to the system unit thereafter. Therefore the protocol converter is time driven. Furthermore, the protocol converter is also event driven in that the stored data can also be sent when the system unit makes an inquiry. Additionally, the protocol converter can independently send data to the system unit, in particular, when the retrieved data contains failure or alarm reports with respect to the state of a facility. The system unit may also send a signal to the protocol converter according to which the protocol converter calls back a number to establish a safe data

transmission connection. Accordingly, a temporary connection between a protocol converter and a system unit can be set up and disconnected as desired. Thus, the cost of a connection can be reduced especially when the monitored installations are distributed and operated world-wide.
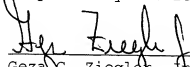
As described above, this is not what is disclosed by Petite. The local gateway or transceivers of Petite do not set up a temporary connection according to a predetermined time interval in which data is retrieved or to event driven actions as described above. Petite rather discloses a permanent broadcast of data which is not at all intended for reducing the cost of connection.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge $910.00 for a one month extension of time and RCE fees along with payment for any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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